

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 3:08-CR-85
V.	)	(Varlan / Shirley)
	)	
MICHAEL WAYNE WILLIAMS,	)	
	)	
Defendant.	)	

**ORDER OF COMMITMENT FOR  
MENTAL EXAMINATION AND EVALUATION**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. On May 23, 2008, Michael Williams was charged by criminal complaint with bank robbery. This Court conducted an initial appearance and arraignment on that charge later the same day. On May 27, 2008, the Court conducted a detention hearing and scheduled this matter for a preliminary hearing on June 3, 2008. On June 3, 2008, a grand jury charged Mr. Williams with the original bank robbery and an additional bank robbery in a two-count indictment. Accordingly, the Court intended to proceed with Mr. Williams' initial appearance and arraignment as to the indictment at the date and time previously scheduled for the preliminary hearing. As those proceedings began, counsel for Mr. Williams, Attorney Russell Greene made an oral motion for a forensic examination to determine Mr. Williams' competency to stand trial. The government, represented by Assistant United States Attorney Gregory Weddle, did not oppose the motion. Attorney Greene expressed his intention to file a notice of intention to rely on the defense of insanity at trial, pursuant to Rule 12.2 of the Federal Rules of Criminal Procedure; AUSA Weddle made an

oral motion for an evaluation of Mr. Williams' mental capacity at the time of the alleged offense. Attorney Greene agreed that the government's request was appropriate.

After considering the oral motions and the statements of counsel at the hearing, the Court finds that the defendant should undergo a psychiatric or psychological evaluation pursuant to 18 U.S.C. § 4241 and 18 U.S.C. § 4242 (a). Thus, the two oral motions for psychiatric or psychological evaluation are granted and further proceedings are stayed pending Mr. Williams' evaluation.

It is therefore **ORDERED:**

1. That defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for the purposes indicated herein and the United States Marshal is hereby directed to transport the defendant to the nearest suitable facility for purposes of psychiatric or psychological evaluation, pursuant to 18 U.S.C. § 4241 and 18 U.S.C. § 4242. Said commitment shall be for a reasonable period not to exceed forty-five (45) days (to commence when defendant arrives at the facility), unless otherwise ordered.
2. That the receiving facility and doctor in whose primary care the defendant is placed shall file a written report with this Court pursuant to 18 U.S.C. § 4247(c) as soon as practical with copies to counsel for the government and the defendant, said report to include:
  - a. the defendant's history and present symptoms;
  - b. a description of the psychiatric, psychological, and medical tests that were employed and their results;
  - c. the examiner's findings; and

- d. the examiner's opinions as to diagnosis, prognosis, and
- (1) whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and
- (2) whether the defendant suffered from such mental disease or defect which rendered him insane at the time of the offense charged.
3. That a status hearing or hearing on the question of the defendant's competency to stand trial is presently set for **September 4, 2008, at 2:00 p.m.**, pending the return of the defendant and a report on his mental condition from the facility to which he is assigned.
4. That the defendant be given any necessary medications if determined appropriate to do so by the medical staff at the facility;
5. That the psychiatrist or psychologist have access to any Pretrial Services Reports completed on defendant in the instant case; and
6. That the psychiatrist or psychologist have access to all available medical records on the defendant.
7. The names, addresses, and telephone numbers of the Assistant United States Attorney, defense counsel, and defendant's pretrial service officer are as follows:
- (a) Government's counsel:

Cynthia F. Davidson  
Office of the United States Attorney  
800 Market Street, Suite 211  
Knoxville, TN 37902  
(865) 545-4167

- (b) Defense counsel:

Russell T. Greene  
905 Locust Street  
Knoxville, TN 37902  
(865) 329-9974

(c) Pretrial Services Officer:

Carol Cavin  
800 Market Street, Suite 120  
Knoxville, TN 37902  
(865) 545-4001

8. The Clerk is directed to serve copies of this order on counsel of record and to serve three certified copies on the United States Marshal.
9. The United States Marshal shall notify the clerk of the court and the undersigned's office promptly when defendant returns to this jurisdiction from the mental evaluation. A competency hearing/status conference has been scheduled for **September 4, 2008, at 2:00 p.m.**

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge